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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Application Number: 10/049,972
Filing Date: February 13, 2002
Appellant(s): JOHNSON ET AL.

Technology Center 2100

Kevin J. Zilka
(Registration No. 41,429)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 31 August 2006 appealing from the Office action

mailed 30 March 2006.

(1) Real Party in Interest

A statement identifying by name the real party of interest is contained in the appeal brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 57 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim states "the apparatus wherein said closure of said Internet permits an Internet connection." It is unclear how an Internet connection can be opened if the Internet is closed.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claim 57 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how an Internet connection can be opened if the Internet is closed.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-12, 18-38 and 44-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Vaziri et al. (U.S. 6,377,570).

7.   With respect to claim 1, Vaziri teaches an apparatus for a user to connect an Internet-ready device to the Internet by an Internet connection independent means, comprising:

At least two connection ports, where the first port connects to an Internet conduit, and the second port connects to the Internet-ready device (Vaziri, Fig. 4; col. 12, lines 1-6) capable

of communicating utilizing Internet-related protocols (Vaziri, Figs. 12 and 13; col. 22, line 27 – col. 24, line 35); a user interface, allowing a user to initiate passing information between the Internet-ready device and the Internet (Vaziri, col. 3, lines 33-37), and having associated indicators to indicate to the user that the passing of information that was initiated by the user is complete (Vaziri, Fig. 3, elements 304, 306, 307 and 311; col. 11, lines 11-22); a protocol handler block for receiving and handling messages from the user interface and from the Internet-ready device (Vaziri, col. 17, line 57 - col. 18, line 33), and for sending on the handled messages to a network stack block (Vaziri, col. 13, 13-31); the network stack block for handling an associated subset of the handled messages, and sending on to a physical connection block (Vaziri, col. 14, line 55 - col. 15, line 2); and the physical connection block for connecting to the Internet (Vaziri, col. 12, lines 13-16).

8.   With respect to claim 2, Vaziri teaches the invention described in claim 1, including where the indicators range from, but are not limited to, simple LED's to small LCD screens, cursor controls, and keyboards and/or keypads (Vaziri, col. 11, lines 11-22).

9.   With respect to claim 3, Vaziri teaches the invention described in claim 1, including further comprising a standard telephone jack connection (Vaziri, Fig. 4; col. 12, lines 1-6).

10.   With respect to claim 4, Vaziri teaches the invention described in claim 1, including where the physical connection block comprises a data modem (Vaziri, col. 12, lines 13-16).

11.   With respect to claim 5, Vaziri teaches the invention described in claim 4, including where the data modem ranges from 2400 bps to 56 kbps, or where the data modem is an xDSL or cable modem (Vaziri, col. 12, lines 13-16).

12.   With respect to claim 6, Vaziri teaches the invention described in claim 1, including where the network stack block handles all network, transport layer, and data link layer protocols needed for Internet connectivity (Vaziri, col. 14, line 55 - col. 15, line 2).

13.   With respect to claim 7, Vaziri teaches the invention described in claim 1, including where the protocol handler provides any of the following application protocols: POP3, SMTP, HTTP, FTP, and DNS (Vaziri, col. 13, lines 13-25).

14.   With respect to claim 8, Vaziri teaches the invention described in claim 1, including where the apparatus is built as a standalone device (Vaziri, Fig. 7A, element 100; col. 14, lines 39-41).

15.   With respect to claim 9, Vaziri teaches the invention described in claim 1, including where the apparatus is built to be embedded into other devices (Vaziri, col. 3, lines 21-23).

16.   With respect to claim 10, Vaziri teaches the invention described in claim 1, including where the data modem is a cable modem (Vaziri, col. 12, lines 13-16).

17.   With respect to claim 11, Vaziri teaches the invention described in claim 1, including

added easily to any of, but not limited to: set-top-boxes; Ethernet hubs; and hubs that are

attached to new home networking standards (Vaziri, col. 3, lines 64-66).

18.   With respect to claim 12, Vaziri teaches the invention described in claim 1, including

where the connection between the Internet-ready device and the Internet is closed in that the

user never intervenes to provide additional information (Vaziri, col. 3, lines 33-37).

19.   With respect to claim 18, Vaziri teaches the invention described in claim 1, including

where the initiating passing information between the Internet-ready device and the Internet is

by the user pressing a button, thereby providing a one-touch operation (Vaziri, col. 3, lines

33-37).

20.   With respect to claim 19, Vaziri teaches the invention described in claim 1, including

further comprising raw socket support (Vaziri, col. 10, lines 9-13).

21.   With respect to claim 20, Vaziri teaches the invention described in claim 19, including

where the raw socket support further comprises any of, but is not limited to: support for

multiple sockets; ability to set target and source port numbers; and TCP or UDP transport

layers (Vaziri, col. 10, lines 9-13).

22.   With respect to claim 21, Vaziri teaches the invention described in claim 1, including

where the protocol handler comprises a micro controller (Vaziri, col. 9, lines 13-19).

23.   With respect to claim 22, Vaziri teaches the invention described in claim 21, including

where the micro controller provides Base64 and/or quoted printable data decoding (Vaziri,

col. 18, lines 24-33).

24.   With respect to claim 23, Vaziri teaches the invention described in claim 21, including

where the micro controller communicates directly with the Internet-ready device and with a

raw socket (Vaziri, col. 10, lines 1-13).

25.   With respect to claim 24, Vaziri teaches the invention described in claim 1, including

further comprising multiple Internet-ready device connectors (Vaziri, Fig. 4; col. 12, lines 1-

6).

26.   With respect to claim 25, Vaziri teaches the invention described in claim 1, including

further comprising auto BAUD rate detection for RS-232 type connections (Vaziri, col. 14,

line 55 - col. 15, line 2).

27.   With respect to claim 26, Vaziri teaches the invention described in claim 5, including

further comprising a pass through port where an existing POTS appliance may be connected

(Vaziri, Fig. 7A, element 211; col. 14, lines 39-41).

28.   With respect to claim 56, Vaziri teaches the invention described in claim 1, including where the Internet-ready device is embedded into an Internet-capable telephone (Vaziri, col. 3, lines 21-23).

29.   With respect to claim 57, Vaziri teaches the invention described in claim 12, including where the closure of the Internet permits an Internet connection only to a website specified by the Internet-ready device (Vaziri, col. 21, lines 28-56).

30.   Claims 27-38 and 44-55 do not teach or define any new limitations above claims 1-12 and 18-26 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

31.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

32.   Claims 13-16 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaziri and further in view of Himmel et al. (U.S. 6,480,852).

Vaziri teaches the invention substantially as claimed including an Internet switch box that connects between a telephone set and a public switched telephone network (PSTN) line for connection to an Internet service provider (ISP). The switch box contains hardware and embedded software for establishing a connection to an ISP and for Internet telephone (Vaziri, see Abstract).

33.   With respect to claim 13, Vaziri teaches an apparatus for a user to connect an Internet-ready device to the Internet by an Internet connection independent means (Vaziri, Fig. 7B, element 100; col. 14, line 55 - col. 15, line 2).

Vaziri does not explicitly teach the use of a rating system.

However, Himmel teaches a rating system, where the Internet-ready device passes a rating level to the Internet, where only data not violating the rating level is passed back to the Internet-ready device (Himmel, col. 9, lines 28-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vaziri in view of Himmel in order to enable the use of a rating system. One would be motivated to do so in order to facilitate selectively inhibiting access to or display of any Web page having a rating property value that is less than some user- or system-defined threshold.

34.   With respect to claim 14, Vaziri teaches an apparatus for a user to connect an Internet-ready device to the Internet by an Internet connection independent means (Vaziri, Fig. 7B, element 100; col. 14, line 55 - col. 15, line 2).

Vaziri does not explicitly teach the use of a rating system.

However, Himmel teaches an apparatus further comprising security schemes to prevent accessing information of unauthorized sites (Himmel, col. 9, lines 28-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vaziri in view of Himmel in order to enable the use of a rating system. One would be motivated to do so in order to facilitate selectively inhibiting access to or display of any Web page having a rating property value that is less than some user- or system-defined threshold.

35.   With respect to claim 15, Vaziri teaches the invention described in claim 14, including a key code for passing from the Internet-ready device to the Internet, where a pre-agreed upon algorithm is used to generate a response, where the response is sent back to the Internet-ready device, thereby authenticating the Internet connection to the Internet-ready device (Vaziri, col. 14, line 55 - col. 15, line 2).

36.   With respect to claim 16, Vaziri teaches the invention described in claim 15, including the apparatus used in reverse to prevent unauthorized Internet-ready devices from accessing a particular site (Vaziri, col. 14, line 55 - col. 15, line 2).

37.   Claims 39-42 do not teach or define any new limitations above claims 13-16 and therefore are rejected for similar reasons.

38.   Claims 17 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaziri

and Himmel and further in view of Martin et al. ("An Alternative to Government Regulation

and Censorship: Content Advisory Systems for the Internet").

39.   With respect to claim 17, Vaziri teaches an apparatus for a user to connect an Internet-

ready device to the Internet by an Internet connection independent means (Vaziri, Fig. 7B,

element 100; col. 14, line 55 - col. 15, line 2).

        Vaziri does not explicitly teach the use of a rating system.

        However, Himmel teaches a rating system, where the Internet-ready device passes a

rating level to the Internet, where only data not violating the rating level is passed back to the

Internet-ready device (Himmel, col. 9, lines 28-66).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Vaziri in view of Himmel in order to enable the use of a rating system.

One would be motivated to do so in order to facilitate selectively inhibiting access to or

display of any Web page having a rating property value that is less than some user- or

system-defined threshold.

        The combination of Vaziri and Himmel does not explicitly teach the use of RSAC as a

rating system.

        However, Martin teaches the apparatus where the rating system is RSAC (Martin, page 2,

4th paragraph).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the combination of Vaziri and Himmel in view of Martin in order to

enable the use of RSAC as a rating system. One would be motivated to do so in order to provide parents and consumers with objective, detailed information about the content of an Internet site.

40. Claims 43 does not teach or define any new limitations above claim 17 and therefore is rejected for similar reasons.

41. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaziri and further in view of Sharpe, III et al. (U.S. 6,012,961).

42. With respect to claim 58, Vaziri teaches an apparatus for a user to connect an Internet-ready device to the Internet by an Internet connection independent means (Vaziri, Fig. 7B, element 100; col. 14, line 55 - col. 15, line 2), comprising:

At least two connection ports, where the first port connects to an Internet conduit, and the second port connects to the Internet-ready device capable of communicating utilizing Internet-related protocols (Vaziri, Fig. 4; col. 12, lines 1-6); a user interface, allowing the user to initiate passing information between the Internet-ready device and the Internet (Vaziri, col. 3, lines 33-37), a protocol handler block for receiving and handling messages from the user interface and from the Internet-ready device (Vaziri, col. 17, line 57 - col. 18, line 33), and for sending on the handled messages to a network stack block (Vaziri, col. 13, 13-31); the network stack block for handling an associated subset of the handled messages,

and sending on to a physical connection block (Vaziri, col. 14, line 55 - col. 15, line 2); and the physical connection block for connecting to the Internet (Vaziri, col. 12, lines 13-16).

Vaziri does not explicitly teach the use of a toy that produces sounds that can be updated.

However, Sharpe, III teaches the Internet-ready device includes a toy which emits sounds that are updated utilizing the Internet (Sharpe, III, col. 4, line 16 – col. 5, line 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vaziri in view of Sharpe, III in order to enable the use of a toy that produces sounds that can be updated. One would be motivated to do so in order to renew the play value of the toy and extend the life of the toy beyond the original characteristics.

43.   Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaziri and further in view of Reavey et al. (U.S. 5,847,698).

44.   With respect to claim 59, Vaziri teaches an apparatus for a user to connect an Internet-ready device to the Internet by an Internet connection independent means (Vaziri, Fig. 7B, element 100; col. 14, line 55 - col. 15, line 2), comprising:

At least two connection ports, where the first port connects to an Internet conduit, and the second port connects to the Internet-ready device capable of communicating utilizing Internet-related protocols (Vaziri, Fig. 4; col. 12, lines 1-6); a user interface, allowing the user to initiate passing information between the Internet-ready device and the Internet (Vaziri, col. 3, lines 33-37), a protocol handler block for receiving and handling messages

from the user interface and from the Internet-ready device (Vaziri, col. 17, line 57 - col. 18, line 33), and for sending on the handled messages to a network stack block (Vaziri, col. 13, 13-31); the network stack block for handling an associated subset of the handled messages, and sending on to a physical connection block (Vaziri, col. 14, line 55 - col. 15, line 2); and the physical connection block for connecting to the Internet (Vaziri, col. 12, lines 13-16).

Vaziri does not explicitly teach the use of an electronic book.

However, Reavey teaches an apparatus where the Internet-ready device includes an electronic book (Reavey, col. 7, line 63 – col. 8, line 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vaziri in view of Reavey in order to enable the use of an electronic book. One would be motivated to do so in order to facilitate the downloading and storage of several books or periodicals.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses them individually.

(A)   Appellant argues: With respect to claim 57, it is thus readily apparent that appellant does not claim a "complete" closure, but rather a partial one that specifically permits an Internet connection only to a website specified by the Internet-ready device.

In Response: In response to Appellant's argument that a "complete" closure is not

claimed, but rather a partial one, it is noted that the features upon which applicant relies (i.e.,
partial closure of the Internet) are not recited in the rejected claim(s) or disclosed in the
specification or the drawings. The claim contains subject matter which was not described in the
specification or drawings in such a way as to enable one skilled in the art to which it pertains, or
with which it is most nearly connected, to make and/or use the invention. It is unclear how an
Internet connection can be opened if the Internet is closed. It is suggested that this phrase is
merely a typographic error and that Appellant meant to state "the apparatus wherein said closure
of said Internet connection permits another Internet connection..." or similar language.

(B)   *Appellant argues:* With respect to independent claims 1 and 27, appellant argues that in
no way is there even a suggestion of any sort of "protocol handler block for receiving and
handling messages from said user interface and from said Internet-ready device," in the manner
claimed by appellant.

In Response: The examiner respectfully submits that Vaziri teaches the use of an
apparatus for a user to connect an Internet-ready device to the Internet by an Internet connection
independent means, comprising: at least two connection ports (Vaziri, Fig. 4), where the first
port connects to an Internet conduit, and the second port connects to the Internet-ready device
(Fig. 4 shows the back or bottom view of an ISB. Back or bottom panel can include...telephone
jack 406 for connection to telephone line...408 for connection to another device such as a PC –
see Vaziri, Fig. 4, elements 406 and 408; col. 12, lines 1-6) capable of communicating utilizing

Internet-related protocols (The ISB includes PC-compatible microprocessor 201...microprocessor 201 executes software architecture...[including] TCP/UDP driver 2A13, IP driver 2A15 and PPP driver 2A17 [which] serve as...embedded networking software for packetizing data and allowing communication with the Internet – see Vaziri, Figs. 2 and 2A, col. 9, line 13 – col. 10, line 13); a user interface, allowing a user to initiate passing information between the Internet-ready device and the Internet (an Internet switch box (ISB) is connected to or integrated within the telephone...other than the user pressing a button (either on the ISB or telephone keypad) to initiate the Internet telephone call, the ISB takes care of all connection procedures necessary to set up and maintain the Internet telephone call – see Vaziri, col. 3, lines 21-37)...a protocol handler block for receiving and handling messages from the user interface and from the Internet-ready device (The ISB includes PC-compatible microprocessor 201...microprocessor 201 executes software architecture...[including] TCP/UDP driver 2A13, IP driver 2A15 and PPP driver 2A17 [which] serve as...embedded networking software for packetizing data and allowing communication with the Internet – see Vaziri, Figs. 2 and 2A, col. 9, line 13 – col. 10, line 13). The Vaziri reference teaches the ISB capable of using the TCP/IP protocol suite, as detailed above. Stevens discusses that the TCP/IP protocol suite contains four layers, one of which is the transport layer, which "provides a flow of data between two hosts," one of the transport layer protocols being TCP. These two hosts are equivalent to appellant's user interface and the Internet, and as communication is passed between the user interface and the Internet-ready device, the two hosts can also be equivalent to the appellant's apparatus and the Internet-ready device. Thus, Vaiziri teaches a protocol handler block (transport layer) for receiving (acknowledging received packets) and handling messages from the user interface

(make certain the other end [the Internet] acknowledges packets that are sent – see Stevens, page

2, "the transport layer," reference attached in the Appendix) and from the Internet-ready device

(Vaziri, Fig. 12, element 908; a computer or data terminal 908 and a specially equipped ISB

100HD connected to computer or data terminal via a serial port or other connection. Personal

computers that are multimedia capable in terms of possessing…an adequate modem…as well as

an account with an online service provider (ISP) for connection to the Internet – see Vaziri, col.

22, lines 27-33 and col. 1, lines 31-41). The computer could be connected to the ISB via a

connection such as a telephone line that would enable use of the modem, which has TCP/IP

capabilities. Thus both the ISB and the personal computer are capable of utilizing a protocol

handler block.

(C)   ***Appellant argues:*** Vaziri's disclosure fails to meet "sending on said handled messages to

a network stack block."

In Response: The examiner respectfully submits that the Vaziri reference teaches the ISB

capable of using the TCP/IP protocol suite: The ISB includes PC-compatible microprocessor

201…microprocessor 201 executes software architecture…[including] TCP/UDP driver 2A13,

IP driver 2A15 and PPP driver 2A17 [which] serve as…embedded networking software for

packetizing data and allowing communication with the Internet (see Vaziri, Figs. 2 and 2A, col.

9, line 13 – col. 10, line 13).   Stevens discusses that the TCP/IP protocol suite contains four

layers, one of which is the network layer, which "handles the movement of packets around the

network," one of the network layer protocols being IP. Stevens teaches "every piece of

TCP…data that gets transferred around the internet goes through the IP layer" – see Stevens,

page 7, paragraph 2). Thus, Vaziri teaches sending on the handled messages to ("every piece of

TCP…data that gets transferred around the internet goes through the IP layer") a network stack

block (the network layer – see Stevens, page 2, "the network layer," reference attached in the

Appendix).

(D)   Appellant argues: Clearly, none of the functions taught by Vaziri meet appellant's

claimed "indicators to indicate to said user that said passing of information that was initiated by

the user is complete."

In Response: The examiner respectfully submits that the Vaziri reference teaches

indicators (Vaziri, Fig. 3, elements 304, 306, 307 and 311; Status indicator LEDs may be

provided. Three of these LEDs may be used to indicate…whether any messages are waiting – see

Vaziri, col. 11, lines 11-22) to indicate to said user that said passing of information that was

initiated by the user is complete (the ISB can be configured to poll the ISP periodically

(programmed by the user) to check for message [sic] and to give an indication to the user via an

LED or the like when messages are waiting – see Vaziri, col. 18, lines 5-10).

(E).   Appellant argues: Vaziri does not teach "an apparatus for a user to connect to an Internet-ready device to the Internet, wherein said apparatus is embedded into said Internet-ready device."

In Response: The examiner respectfully submits that in response to applicant's arguments, the recitation "an apparatus for a user to connect to an Internet-ready device to the Internet, wherein said apparatus is embedded into said Internet-ready device" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). However, Vaziri teaches an apparatus for a user to connect to an Internet-ready device (Fig. 4 shows the back or bottom view of an ISB. Back or bottom panel can include...telephone jack 406 for connection to telephone line...408 for connection to another device such as a PC – see Vaziri, Fig. 4, elements 406 and 408; col. 12, lines 1-6) to the Internet (an Internet switch box (ISB) is connected to or integrated within the telephone...other than the user pressing a button (either on the ISB or telephone keypad) to initiate the Internet telephone call, the ISB takes care of all connection procedures necessary to set up and maintain the Internet telephone call – see Vaziri, col. 3, lines 21-37), wherein said apparatus is embedded into said Internet-ready device (An Internet switch box (ISB) is connected to or integrated within the telephone – see Vaziri, col. 3, lines 21-23 and as indicated, an ISB may be incorporated into a

telephone or be a standalone adjunct device connected between the telephone and the telephone

line – see col. 3, lines 64-66).

(F) *Appellant argues:* A telephone does not meet appellant's claimed "set-top-boxes;

Ethernet hubs; and hubs that are attached to new home networking standards."

In Response: The examiner respectfully submits that Vaziri teaches the use of an ISBSS

which is a server that provides connection information for ISBs. The IEEE Authoritative

Dictionary of IEEE Standards Terms defines a "hub" as "a device to provide connectivity

between data terminal equipments (see IEEE Dictionary, page 525, "hub," definition (4),

reference attached in the Appendix)." Thus, in the broadest reasonable interpretation in light of

the supporting disclosure, Vaziri teaches the apparatus (an ISB) added (connected) to an Ethernet

hub (ISBSS – see Vaziri, col. 18, lines 40-49). Office personnel are to give claims their broadest

reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-

55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but

not recited in the claim are not read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d

1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the

specification" without importing limitations from the specification into the claims

unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969).

See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During

patent examination the pending claims must be interpreted as broadly as their terms reasonably

allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

(G) *Appellant argues:* Vaziri fails to even suggest a "key code for passing from said Internet-ready device to said Internet, whereupon a pre-agreed upon algorithm is used to generate a response, whereupon said response is sent back to said Internet-ready device, thereby authenticating said Internet connection to said Internet-ready device."

In Response: The examiner respectfully submits that Vaziri teaches a key code (password) for passing from said Internet-ready device (the ISB) to said Internet (the ISP), whereupon a pre-agreed upon algorithm is used to generate a response (authentication), whereupon said response is sent back to said Internet-ready device (ISB is authenticated), thereby authenticating said Internet connection to said Internet-ready device (the ISB is then connected by TCP to the ISP and thus via line to the Internet backbone – see Vaziri, col. 14, line 55 – col. 15, line 2).

(H) *Appellant argues:* Vaziri's mere disclosure of PAP during authentication, fails to even suggest "prevent[ing] unauthorized Internet-ready devices from accessing a particular site."

In Response: The examiner respectfully submits that Vaziri teaches the apparatus used in reverse to prevent unauthorized Internet-ready devices from accessing a particular site. Logging on to an ISP usually results in the user being presented with a homepage. If during the authentication procedure between the ISB and the ISP, the ISB is not granted access to the ISP (PPP authentication failed – see Vaziri, col. 16, lines 34-46), the ISB is not permitted to logon to the ISP, and thus the ISB will not be presented with the ISP homepage (a particular site). Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

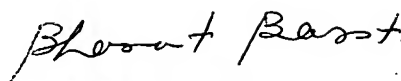For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

·AB

24 October 2006

Conferees:

BHARAT BAROT
PRIMARY EXAMINER

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER